

AMENDED IN ASSEMBLY APRIL 6, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 438**

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**Introduced by Assembly Member Chiu**  
***(Coauthors: Assembly Members Alejo and Gonzalez)***

February 23, 2015

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An act to amend Section 7292 of the Government Code, and to amend Section 124 of the Labor Code, relating to state government.

LEGISLATIVE COUNSEL’S DIGEST

AB 438, as amended, Chiu. State government: workers’ compensation: bilingual services.

Existing law, the Dymally-Alatorre Bilingual Services Act, requires every state agency, as defined, to provide information regarding public services in a non-English language if a substantial number of the public contacted by the agency are non-English speaking. Existing law requires a state agency to employ a sufficient number of bilingual persons for those purposes. Existing law exempts the State Compensation Insurance Fund from those provisions.

Existing law establishes a workers’ compensation system to compensate an employee for injuries sustained in the course of his or her employment. Existing law establishes, in the Department of Industrial Relations, a Division of Workers’ Compensation to administer those provisions. In administering and enforcing those provisions, existing law requires the division to protect the interests of injured workers and requires all forms and notices to be given to employees by the division to be in English and Spanish.

This bill would make the provisions of the Dymally-Alatorre Bilingual Services Act applicable to the State Compensation Insurance Fund, and

to the Department of Industrial Relations and Division of Workers' Compensation when providing those forms and notices. ~~The bill would provide that the failure of the department or division to comply with the Dymally-Alatorre Bilingual Services Act tolls any statutory or regulatory time period for one year with regard to an applicant's compliance with a notice or deadline under the workers' compensation system.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 7292 of the Government Code is amended  
2     to read:  
3     7292. (a) Every state agency, as defined in Section 11000,  
4     directly involved in the furnishing of information or the rendering  
5     of services to the public whereby contact is made with a substantial  
6     number of non-English-speaking people, shall employ a sufficient  
7     number of qualified bilingual persons in public contact positions  
8     to ensure provision of information and services to the public, in  
9     the language of the non-English-speaking person.  
10    (b) For the purposes of this chapter, the furnishing of  
11    information or rendering of services includes, but is not limited  
12    to, providing public safety, protection, or prevention, administering  
13    state benefits, implementing public programs, managing public  
14    resources or facilities, holding public hearings, and engaging in  
15    any other state program or activity that involves public contact.  
16    SEC. 2. Section 124 of the Labor Code is amended to read:  
17    124. (a) In administering and enforcing this division and  
18    Division 4 (commencing with Section 3200), the department and  
19    the division shall protect the interests of injured workers who are  
20    entitled to the timely provision of compensation.  
21    (b) Forms and notices required to be given to employees by the  
22    department or the division shall be in English and comply with  
23    the Dymally-Alatorre Bilingual Services Act (Chapter 17.5  
24    (commencing with Section 7290) of Division 7 of Title 1 of the  
25    Government Code).  
26    ~~(c) Failure by the department or the division to comply with~~  
27    ~~subdivision (b) shall toll any statutory or regulatory time period~~  
28    ~~for one year after the applicant discovers, or through the use of~~

- 1 ~~reasonable diligence should have discovered, the need to comply~~
- 2 ~~with a notice or deadline.~~

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